



News Release

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Recent Pattern of Violations reforms by MSHA led to significant improvements in mine safety, culture change

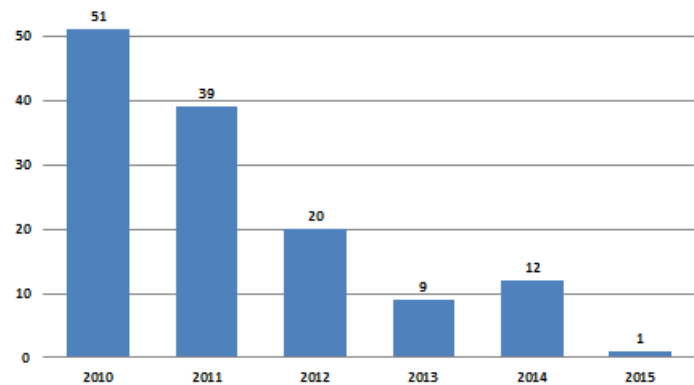
High violation rates drop, fewest mines identified in screening for chronic violators

ARLINGTON, Va. – The [Pattern of Violations](#) reforms put in place by the U.S. Department of Labor’s [Mine Safety and Health Administration](#) have been “real game changers” in protecting miners and promoting a culture focused on safety and health in mines across the nation, [Joseph A. Main](#), assistant secretary of labor for mine safety and health, said today.

The reforms made by the agency in recent years have also led to significant improvements in mine operator compliance at troubled mines. “It’s a law that now works,” Main said.

Under the [Federal Mine Safety and Health Act of 1977](#), MSHA can issue a POV notice to mine operators that show a disregard for workers’ safety and health through a pattern of “Significant and Substantial” violations. One of the agency’s toughest enforcement actions, a POV notice is reserved for mines that pose the greatest risk to miners’ safety and health.

Number of Mines Identified in Pattern of Violations (POV) Screenings, CY 2010-2015



Source: Mine Safety and Health Administration

The agency conducts at least one POV review each year. MSHA recently conducted its third POV [screening](#), under a [rule revised](#) in January 2013, which added to reforms the agency made in 2010. During the screening, MSHA found only one of the nation’s approximately 13,600 mines – a coal operation – warranted further review, the fewest number of both coal and metal and nonmetal mines identified for additional scrutiny since the 2010 reforms. Upon completion of the review, no coal or metal and nonmetal mines met the criteria for further consideration of a POV notice.

MSHA has issued seven POV notices since the 2010 reforms. While enacted in 1977, no mine had been effectively placed on a POV until 2011, after assistant secretary Main directed the implementation of sweeping reforms to MSHA’s POV procedures in the aftermath of the April 2010 [Upper Big Branch coal mine explosion](#). The agency identified shortcomings and the need for reforms in the procedures.

“The POV reforms sent a message that chronic violator behavior would no longer be tolerated. That message translated into a dramatic reduction in the number of mines with chronic violation records,” said Main. “We have also seen significant improvements in violation and injury rates at mines served with a POV notice.”

Since 2010, mines subject to a POV notice – or potential POV notice under the prior rule – showed improved compliance. The number of S&S violations issued at those mines declined 64 percent, the number of unwarrantable failure violations decreased 82 percent, total violations fell 39 percent, and the operator-reported rate of lost-time injuries decreased 50 percent.

Data also indicate that MSHA’s actions have helped drive better compliance well beyond just the mines that met the criteria for further consideration for a POV notice. Between the 2010 and 2015 screenings, there was a 40 percent drop in S&S violations among the top 200 mines ranked by number of S&S issuances. Those mines also saw a 27 percent reduction in total violations and a 16 percent decrease in elevated enforcement actions, such as closure orders for imminent dangers or unwarrantable failures to comply with health and safety standards.

MSHA has developed online tools to help mine operators monitor compliance. They include:

- A [POV monitoring tool](#) that allows mine operators to monitor each mine’s performance each month under the POV screening criteria. Introduced by MSHA in April 2011, the tool puts operators on notice so that they can take corrective actions to improve Mine Act compliance.
- The [S&S rate calculator](#) that enables mine operators to monitor their S&S violations and proactively implement a corrective action program to prevent S&S violations at their mines. The calculator complements the POV monitoring web tool. MSHA launched the calculator in August 2013.

MSHA encourages mine operators approaching further consideration for a POV notice under the screening criteria to submit Corrective Action Programs that include concrete, meaningful measures to address their S&S violations. MSHA will consider an operator’s effective implementation of an MSHA-approved CAP as a mitigating circumstance that may justify postponing or not issuing a POV notice. On April 29, MSHA sent mine operators and other stakeholders a [Program Information Bulletin](#) to provide further information on submitting a CAP for MSHA approval. Currently, there are 13 active CAPs in place in coal and metal and nonmetal mines in the U.S.

“The POV reforms we have put in place provide mine operators with guidance on how to improve compliance if they start down the wrong path, and most importantly, to better protect our nation’s miners from injury, illness and death,” said Main. “In fact, a number of mines proactively implemented corrective action programs, which is what both Congress and our rule encouraged,” he added.

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